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January 2, 2020

Honorable Vincent L. Briccetti  
United States District Judge  
The Hon. Charles L. Brient Jr.  
Federal Building and U.S. Courthouse  
300 Quaroppas Street  
White Plains, New York 10601

Re: Yisroel Bruck v. Absolute Resolutions Investments, LLC and  
Forster & Garbus, LLP  
19-cv-8262 (VB)

Dear District Judge Briccetti:

As Your Honor may recall I represent the Defendants named in the above-entitled action. On December 4, 2019, Your Honor conducted an initial conference. At the conference it was agreed that the Defendants would file an Amended Answer by December 18, 2019 to add a further affirmative defense of preclusion from maintaining action based upon an agreement to arbitrate disputes. Your Honor directed the Defendants to file their Amended Answer by December 18, 2019 and the Defendants complied with this directive. Your Honor further directed the parties to engage in discussions to determine whether the parties would stipulate to proceed to arbitration and stay the above-entitled action pending arbitration or dismiss the above-entitled action without prejudice. If the parties could not agree to either of these choices, the Defendants were directed to file a motion to compel arbitration by January 6, 2020, with Plaintiff's opposition to be filed by January 21, 2020 and the Defendants' reply thereto by January 28, 2020.

After sincere attempts to compel the Plaintiff to proceed to arbitration, I was advised today by one of Plaintiff's attorneys that the Plaintiff would not voluntarily agree to proceed to arbitration. As the Defendants will now be compelled to file a formal motion to compel arbitration, I must obtain affidavits from the Plaintiff's original creditor and from the Defendants. Therefore, the Defendants request that Your Honor advance each of the arbitration motion briefing deadlines by 10 days. The Plaintiff has consented to this request and no prior request to extend the motion briefing dates has been made to date.

Respectfully submitted,

/ s / *Robert L. Arleo*

Robert L. Arleo

RLA:gra

Cc: All attorneys of record via ECF

